

Attorney #42271

eks:ER10

ILCH-05490

October 12, 2009

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

ANTHONY FETT,

Plaintiff,

v.

RUSH TRUCKING CORPORATION,
d/b/a RUSH TRUCKING; RUSH
TRUCKING CORPORATION, & RUSH
TRUCKING CORP. OF MICHIGAN,

Defendants.

No. 09 L 010709

FILED-2
2009 OCT 20 AM 8:56
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
LAW DIVISION
TERESA BROWN CLERK

NOTICE OF REMOVAL

The defendant, RUSH TRUCKING CORPORATION d/b/a RUSH TRUCKING CORP. OF MICHIGAN, by and through counsel, James M. McKnight, Michael F. Murphy, James P. Hynes, and Elana K. Seifert of the Law Offices of Thomas & Kampsen, pursuant to 28 U.S.C. 1332 and 28 U.S.C. 1441, *et seq.*, hereby gives notice of removal of the instant cause from the Circuit Court of Cook County, Illinois, Case No. 09 L 010709, to the United States District Court for the Northern District of Illinois, Eastern Division. In support thereof, defendant states as follows:

1. On September 10, 2009, ANTHONY FETT filed a Complaint in the Circuit Court of Cook County, Illinois, a copy of which is attached as Exhibit "A". Plaintiff's *ad damnum* seeks judgment against defendant in an amount in excess of \$50,000.

2. This defendant has filed its appearance and jury demand with the Clerk of the Circuit Court of Cook County, Illinois.

3. The defendant is incorporated in the State of Michigan. See Affidavit of John Dalrymple, attached hereto as Exhibit "B."

4. The defendant has its corporate headquarters and principal place of business in the State of Michigan. See Exhibit "B."

5. The plaintiff, ANTHONY FETT, is a citizen of the State of Illinois.

6. The United States District Court for the Northern District of Illinois, Eastern Division, has jurisdiction over the instant cause pursuant to 28 U.S.C. 1332 and 28 U.S.C. 1441, *et seq.*, as diversity of citizenship has been established. The parties are citizens of different states.

7. This defendant was served summons in the state court lawsuit on September 22nd, 2009, and this Notice of Removal is being filed within thirty (30) days of service. 28 U.S.C. 1446(b).

8. Plaintiff seeks, in his complaint, a sum "in excess of \$50,000." See Exhibit "A," attached. On information and belief, the Plaintiff's claim meets the jurisdictional amount of \$75,000 to make removal proper. A Request to Admit has been served upon the Plaintiff simultaneously with this Notice of Removal to that effect. See Attached Request to Admit, attached hereto as Exhibit "C."

9. Plaintiff has alleged, in his Complaint at Law, that he has suffered "severe and permanent injuries," and "great bodily pain and suffering," further supporting Defendant's belief that the amount in controversy meets the jurisdictional threshold of this Court. See Exhibit "A" at paragraph 4. Plaintiff further alleges that, in addition to medical expenses, he is seeking recovery of future medical expenses and future lost wages due to disability, further supporting

Defendant's belief that the amount in controversy meets the jurisdictional threshold of this Court.
See Exhibit "A" at paragraph 6.

10. Defendant will file a copy of this Notice of Removal, *instanter*, with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, for the reasons stated above, the defendant, RUSH TRUCKING CORPORATION d/b/a RUSH TRUCKING CORP. OF MICHIGAN, does hereby request that this cause proceed before this Honorable Court as an action properly removed to it.

Respectfully submitted,

THOMAS & KAMPSEN

A handwritten signature in black ink, reading "Elana K. Seifert". The signature is written in a cursive, flowing style.

BY: _____
On behalf of RUSH TRUCKING CORPORATION

Elana K. Seifert
THOMAS & KAMPSEN
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